

**PUBLIC CHAPTER NO. 528****HOUSE BILL NO. 713**

**By Representatives Tindell, Armstrong, Hardaway, Miller, Sherry Jones, Moore, Sontany, Bibb, Fincher, Hackworth, Bass, Todd, Overbey, Eldridge, Brown, Hood, McDonald, Favors, DuBois, Briley, Shaw, Bone, Ferguson, Jim Cobb, McCormick, Curtis Johnson, Gresham, Campfield**

**Substituted for: Senate Bill No. 192**

**By Senators Burchett, Lowe Finney**

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative to sexual offenders, violent sexual offenders and the registration and monitoring of such offenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-303, is amended by deleting the second sentence of subsection (a) and substituting instead the following:

However, no defendant shall be eligible for probation under the provisions of this chapter, if convicted of a violation of § 39-13-304, § 39-13-402, § 39-13-504, § 39-13-532, § 39-15-402, § 39-17-417(b) or (i), § 39-17-1003, § 39-17-1004 or § 39-17-1005.

SECTION 2. Tennessee Code Annotated, Section 40-35-313, is amended by deleting subsection (a)(1)(B)(ii) and substituting instead the following:

(ii) As used in subdivision (a)(1)(B)(i), "sexual offense" means conduct that constitutes:

- (a) Aggravated prostitution, as described in § 39-13-516;
- (b) Aggravated rape, as described in § 39-13-502;
- (c) Aggravated sexual battery, as described in § 39-13-504;
- (d) Aggravated sexual exploitation of a minor, as described in § 39-17-1004;
- (e) Attempt, as described in § 39-12-101, solicitation, as described in § 39-12-102, or conspiracy, as described in § 39-12-103, to commit any of the offenses enumerated in this subdivision (a)(1)(B)(ii).

(f) Especially aggravated sexual exploitation of a minor, as described in § 39-17-1005;

(g) Rape, as described in § 39-13-503;

(h) Rape of a child, as described in § 39-13-522;

(i) Sexual battery by an authority figure, as described in § 39-13-527;

(j) Sexual exploitation of a minor, as described in § 39-17-1003; or

(k) Statutory rape by an authority figure, as described in § 39-13-532.

SECTION 3. Tennessee Code Annotated, Section 40-35-501, is amended by deleting subsection (i)(2) and substituting instead the following:

(2) The offenses to which the provisions of subdivision (i)(1) apply are:

(A) Murder in the first degree;

(B) Murder in the second degree;

(C) Especially aggravated kidnapping;

(D) Aggravated kidnapping;

(E) Especially aggravated robbery;

(F) Aggravated rape;

(G) Rape;

(H) Aggravated sexual battery;

(I) Rape of a child;

(J) Aggravated arson;

(K) Aggravated child abuse;

(L) Aggravated rape of a child;

(M) Sexual exploitation of a minor involving more than one hundred (100) images;

(N) Aggravated sexual exploitation of a minor involving more than twenty-five (25) images; or

(O) Especially Aggravated Sexual Exploitation of a minor.

SECTION 4. This act shall take effect July 1, 2007, the public welfare requiring it.

**PASSED: June 12, 2007**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 26th day of June 2007**

  
PHIL BREDESEN, GOVERNOR